

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**UNITED SERVICES AUTOMOBILE
ASSOCIATION**

v.

PNC BANK N.A.

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**CIVIL ACTION NOS. 2:21-CV-00246-JRG
2:22-CV-00193-JRG**

**MINUTES FOR JURY TRIAL DAY NO. 2
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
September 13, 2022**

OPEN: 08:28 AM

ADJOURN: 06:39 PM

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Katie Albanese
Ryan Davies
Harris Huguenard

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
08:28 AM	Court opened.
08:29 AM	Exhibits used prior day read into the record.
08:31 AM	Jury entered the courtroom.
08:31 AM	Continuation of USAA's case-in-chief:
08:32 AM	Witness sworn. Direct examination of Professor Thomas Conte by Ms. Glasser.
09:37 AM	Jury recessed for break.
09:37 AM	Recess.
09:51 AM	Court reconvened.
09:52 AM	Jury returned to courtroom.
09:52 AM	Cross examination of Professor Thomas Conte by Mr. Mueller.
09:56 AM	Bench conference.
09:57 AM	Bench conference concluded.
09:57 AM	Continuation of cross examination of Professor Thomas Conte by Mr. Mueller.
10:08 AM	Bench conference.
10:11 AM	Bench conference concluded.
10:11 AM	Continuation of cross examination of Professor Thomas Conte by Mr. Mueller.
10:55 AM	Redirect examination of Professor Thomas Conte by Ms. Glasser.

TIME	MINUTE ENTRY
11:02 AM	Recross examination of Professor Thomas Conte by Mr. Mueller.
11:09 AM	Further redirect examination of Professor Thomas Conte by Ms. Glasser.
11:09 AM	Completion of testimony of Professor Thomas Conte.
11:09 AM	Ms. Glasser introduced the video deposition of Mr. Thomas Trebilcock.
11:27 AM	Video deposition of Mr. Thomas Trebilcock concluded.
11:27 AM	Ms. Glasser introduced the video deposition of Mr. Alexander Goodstein.
11:30 AM	Video deposition of Mr. Alexander Goodstein concluded.
11:31 AM	Jury recessed for lunch break.
11:33 AM	Recess.
01:10 PM	Court reconvened.
01:11 PM	Court explained delay in reconvening from lunch break.
01:17 PM	Objection made by Mr. Lantier on behalf of Defendant.
01:17 PM	Court ruled thereon as set forth in the record.
01:18 PM	Jury returned to courtroom.
01:19 PM	Witness sworn. Direct examination of Mr. David Kennedy by Mr. Bunt.
01:31 PM	Courtroom sealed.
01:31 PM	Continuation direct examination of Mr. David Kennedy by Mr. Bunt.
01:41 PM	Courtroom unsealed.
01:42 PM	Continuation direct examination of Mr. David Kennedy by Mr. Bunt.
02:19 PM	Bench conference.
02:20 PM	Bench conference concluded.
02:20 PM	Cross examination of Mr. David Kennedy by Mr. Mueller.
02:49 PM	Courtroom sealed.
02:49 PM	Bench conference.
02:50 PM	Bench conference concluded.
02:50 PM	Continuation cross examination of Mr. David Kennedy by Mr. Mueller.
03:19 PM	Redirect examination of Mr. David Kennedy by Mr. Bunt.
03:33 PM	Courtroom unsealed.
03:34 PM	Continuation redirect examination of Mr. David Kennedy by Mr. Bunt.
03:39 PM	Recross examination of Mr. David Kennedy by Mr. Mueller.
03:44 PM	Completion of testimony of Mr. David Kennedy.
03:44 PM	Jury recessed for break.
03:45 PM	Recess.
04:04 PM	Court reconvened.
04:05 PM	Mr. Lantier brought up evidentiary issue.
04:09 PM	Mr. Sheasby provided responsive argument.
04:10 PM	Court provided instruction as set forth in the record.
04:18 PM	Jury returned to courtroom.
04:19 PM	USAA rested its case-in-chief.
04:19 PM	PNC's case-in-chief:
04:20 PM	Witness sworn. Direct examination of Ms. Karen Larrimer by Ms. Smith.
04:57 PM	Cross examination of Ms. Karen Larrimer by Ms. Glasser.
05:20 PM	Redirect examination of Ms. Karen Larrimer by Ms. Smith.
05:25 PM	Bench conference

TIME	MINUTE ENTRY
05:26 PM	Bench conference concluded.
05:26 PM	Completion of testimony of Ms. Karen Larrimer.
05:26 PM	Bench conference.
05:28 PM	Bench conference concluded.
05:28 PM	Witness sworn. Direct examination of Mr. Tom Kunz by Mr. Lantier.
06:00 PM	Bench conference
06:04 PM	Bench conference concluded.
06:04 PM	Court instructed the Jury to disregard a portion of the testimony of Mr. Tom Kunz.
06:06 PM	Cross examination of Mr. Tom Kunz by Ms. Glasser.
06:14 PM	Bench conference.
06:19 PM	Bench conference concluded.
06:19 PM	Continuation cross examination of Mr. Tom Kunz by Ms. Glasser.
06:28 PM	Redirect examination of Mr. Tom Kunz by Mr. Lantier.
06:31 PM	Completion of testimony of Mr. Tom Kunz.
06:32 PM	Jury recessed until 8:30 AM tomorrow morning.
06:32 PM	Court addressed disputed matters with counsel.
06:37 PM	Court reminded parties to continue with their meet and confer efforts re: overnight disputes. Court will be available in chambers in the morning to meet with counsel to address same.
06:38 PM	Mr. Sheasby presented an issue before the Court.
06:39 PM	Court adjourned.